

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Rothberg, *et al.*  
ASSIGNEE: CuraGen Corporation  
SERIAL NO.: 09/417,386  
FILING DATE: October 13, 1999  
FOR: METHOD OF IDENTIFYING NUCLEIC ACIDS

EXAMINER: Not Yet Assigned  
ART UNIT: 1643

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

CURAGEN CORPORATION  
555 Long Wharf Drive, 13<sup>th</sup> Floor  
New Haven, Connecticut 06511

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above;  
☒ the application identified above; or  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Applicant: Rothberg, et al.  
U.S.S.N. 09/417,386

Each person, concern, or organization having any rights in the invention is listed below:

☒  
☐

no such person, concern, or organization exists.

each such person, concern, or organization is listed below: \*

*\* Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.*

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

George A. Xixis, Esq.

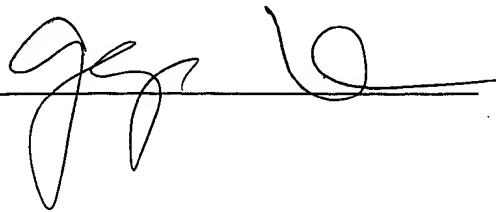
Title in organization of person signing:

Intellectual Property Counsel

Address of person signing:

CURAGEN CORPORATION  
555 Long Wharf Drive, 13<sup>th</sup> Floor  
New Haven, Connecticut 06511

Signature: \_\_\_\_\_

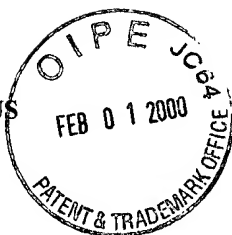


Date: \_\_\_\_\_

12/22/99

TRADOCS:1271579.1(R95N011.DOC)

**Date of Deposit: February 1, 2000**



Attorney Docket No. 15966-539 (CURA-39)

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

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[illegible]

- ☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

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60/115,109	January 8, 1999	Pending

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William Marino	44,219		

Address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747.  
Address all correspondence to:

Ivor R. Elrifi, Ph.D.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111

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\_\_\_\_\_  
Inventor's Signature

12/29/99  
\_\_\_\_\_  
Date

Full Name of Inventor: Jonathan M. Rothberg, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: 1701 Moose Hill Road, Guilford, CT 06437

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Michael McKenna, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: 73 East Pearl Street, New Haven, CT 06513

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Paul Predki, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: ~~33 Hampton Park, Branford, CT 06405~~

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Andreas Windemuth, Ph.D.

Citizenship: Germany

Residence: USA

Post Office Address: 1131 Racebrook Road, Woodbridge, CT 06525

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Richard A. Shimkets, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: 191 Leete Street, West Haven, CT 06516

TRADOCS:1271828.1(R9CK01!.DOC)

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\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Jonathan M. Rothberg, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: 1701 Moose Hill Road, Guilford, CT 06437

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Michael McKenna, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: 73 East Pearl Street, New Haven, CT 06513

  
\_\_\_\_\_  
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Full Name of Inventor: Paul Predki, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: ~~33 Hampton Park, Branford, CT 06405~~  
2704 Larch Court  
Antioch, CA 94509

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Andreas Windemuth, Ph.D.

Citizenship: Germany

Residence: USA

Post Office Address: 1131 Racebrook Road, Woodbridge, CT 06525

\_\_\_\_\_  
Inventor's Signature

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Full Name of Inventor: Richard A. Shimkets, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: 191 Leete Street, West Haven, CT 06516

TRADOCS:1271828.1(R9CK01!.DOC)

Attorney Docket No. 15966-539 (CURA-39)

**NOTED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

inventor, I hereby declare that:

As a ~~best~~ office address and citizenship are as stated below next to my name.

As a condition of the award of this patent, the inventor, his heirs, assigns, and licensees, shall assign to the United States of America, or to the Department of Commerce, the right to make, use, and vend, for the purpose of this patent, the invention entitled:

## METHOD OF IDENTIFYING NUCLEIC ACIDS

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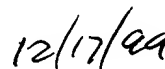
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Citizenship: USA

Residence: USA

Post Office Address: 1701 Moose Hill Road, Guilford, CT 06437





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Residence: USA

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Full Name of Inventor: Richard A. Shimkets, Ph.D.

Citizenship: USA

Residence: USA

Post Office Address: 191 Leete Street, West Haven, CT 06516

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**Date of Deposit: February 1, 2000**



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<b>Application No.</b> <i>(U.S.S.N.)</i>	<b>Filing Date</b> <i>(dd/mm/yy)</i>	<b>Status</b> <i>(Patented, Pending, Abandoned)</i>
60/115,109	January 8, 1999	Pending

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

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